

REMARKS

I. Status of Application

Claims 1, 2, 4, and 6-17 are all the claims pending in the application. By this Amendment, Applicants amend claims 1 and 6-8 for clarity. No new subject matter has been entered. Support for the amendments can be found, for example, in the Figure.

Applicants respectfully submit that the amendments to claims 1 and 6-8 are made for clarification purposes only and, therefore, do not necessitate a new prior art search or further consideration.

II. Summary of Office Action

The drawings are objected to under 37 CFR § 1.83(a).

Claims 1, 4, and 6-8 are rejected under 35 U.S.C. § 112, second paragraph.

Claims 1, 2, and 13-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stoller (U.S. Patent Application No. 6,877,551) in view of Baltes (U.S. Patent Application No. 4,869,872).

Claims 4, 6-12, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stoller in view of Baltes and Bretschneider (U.S. Patent Application No. 6,149,254).

III. Objections to the Drawings

The drawings are objected to under 37 CFR § 1.83(a) because the drawings allegedly do not show "the first outside opening", "the second outside opening", "the bottom portion of the first air circulator device", "the at least first one of said inside openings", "the at least a second one of said inside openings", "an upper portion", and "a portion of said second air circulator device."

Applicants provide the following explanations:

- "the first outside opening" may correspond to reference numeral 14 or 15

- "the second outside opening" may correspond to reference numeral 16

- "first one of said inside openings" may correspond to reference numeral 17

-“second one of said inside openings” may correspond to reference numeral 18 or 19

Additionally, claims 1 and 6-8 have been amended to alleviate the Examiner’s objection to the drawings and rejection under 35 U.S.C. § 112, second paragraph. The further detailed explanations are provided below.

It is respectfully submitted that the objection to the drawings is overcome and respectfully requested be withdrawn.

IV. Claim Rejections - 35 U.S.C. § 112

Claims 1, 4, and 6-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1 and 6-8 have been amended to obviate this ground of rejection. Although claim 4 is indicated as being rejected under 35 U.S.C. § 112, second paragraph, no grounds for the rejection are presented in the Office Action.

It is, therefore, respectfully submitted that the rejection is now moot and should be withdrawn.

Additionally, MPEP § 2173.02 states that the test for definiteness under the second paragraph of 35 U.S.C. § 112 is whether those skilled in the art would understand what is claimed when the claim is read in light of the specification. *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). Definiteness of claims is not to be analyzed in a vacuum, but rather in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

Claim 1 recites: “a first air circulator device, which comprises a lower portion proximate the container and an upper portion distant the container and is installed through the second outside opening so that at least a part of the lower portion is installed in the second outside opening and the upper portion protrudes upward from the second opening onto the outside of the container.”

As seen in the Figure, a lower portion of the air circulator device 20 is installed through the outside opening 16 formed in the sidewall 9. An upper portion of the air circulator device 20 protrudes from the outside opening 16 and onto the outside of the container.

Accordingly, one skilled in the art would understand what is claimed when the claim is read in light of the specification. That is, the first air circulator device comprises a lower portion disposed proximate the container and an upper portion distant from the container, wherein a part of the lower portion is installed in the outside opening formed in the first sub-wall and the upper portion protrudes upward from the second opening onto the outside of the container.

Accordingly, Applicants respectfully submit that, at least based on the foregoing, claims 1, 4, and 6-8 are indeed definite. It is respectfully submitted that the rejection is overcome and respectfully requested be withdrawn.

V. Claim Rejections - 35 U.S.C. § 103

A. Claims 1, 2, and 13-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stoller in view of Baltes.

Claim 1 *inter alia* recites: “a first sub-wall which faces the outside of the container, ... a second outside opening formed through the first sub-wall, ...and a first air circulator device, which comprises a lower portion proximate the container and an upper portion distant the container and is installed through the second outside opening so that at least a part of the lower portion is installed in the second outside opening and the upper portion protrudes upward from the second opening onto the outside of the container.”

Stoller describes a fan 322 which is installed in the opening in the wall between the cooling compartment 320 and the vent compartment 318 and sucks in the air from the vent compartment 318. (Col. 8, lines 64-67; col. 9, lines 6-10; col. 6, lines 38-40; FIG. 3).

Accordingly, Stoller fails to teach that the fan 322 is installed through the opening formed in the wall which faces the outside of the container. To the contrary, as claimed, “a first air circulator device ... is installed through the second outside opening so that at least a part of the lower portion is installed in the second outside opening and the upper portion protrudes

upward from the second opening onto the outside of the container,” wherein the second outside opening is formed through the first sub-wall which faces the outside of the container.

Baltes does not cure any above-discussed deficiency of Stoller.

Accordingly, Applicant respectfully submits that the Examiner’s proposed combination does not teach or suggest at least “a first sub-wall which faces the outside of the container, ... a second outside opening formed through the first sub-wall, ...and a first air circulator device, which comprises a lower portion proximate the container and an upper portion distant the container and is installed through the second outside opening so that at least a part of the lower portion is installed in the second outside opening and the upper portion protrudes upward from the second opening onto the outside of the container.”

It is, therefore, respectfully submitted that **claim 1 and dependent claims 2 and 13-16** are patentable.

B. Claims 4, 6-12, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stoller in view of Baltes and Bretschneider.

Claims 4, 6-12, and 17 depend on claim 1. As discussed above, Stoller and Baltes do not teach all of the features of claim 1. Bretschneider does not cure any above-discussed deficiency of these references. It is, therefore, respectfully submitted that **4, 6-12, and 17** are patentable at least by virtue of their dependencies.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/664,865

Attorney Docket No.: Q77525

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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